

REFERENCE TITLE: new tax interpretation; affirmative defense

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1458

Introduced by
Senator Martin

AN ACT

AMENDING TITLE 42, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-2077; RELATING TO TAXPAYERS' BILL OF RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 42, chapter 2, article 2, Arizona Revised Statutes,
3 is amended by adding section 42-2077, to read:

4 **42-2077. New interpretation or application of law; affirmative
5 defense: definition**

6 A. IF THE DEPARTMENT ADOPTS A NEW INTERPRETATION OR APPLICATION OF ANY
7 PROVISION OF THIS TITLE OR TITLE 43 OR DETERMINES THAT ANY OF THOSE
8 PROVISIONS APPLIES TO A NEW OR ADDITIONAL CATEGORY OR TYPE OF TAXPAYER, AND
9 THE CHANGE IN INTERPRETATION OR APPLICATION IS NOT DUE TO A CHANGE IN THE
10 LAW, THE CHANGE IS AN AFFIRMATIVE DEFENSE IN ANY ADMINISTRATIVE OR JUDICIAL
11 ACTION FOR RETROACTIVE ASSESSMENT OF TAX, INTEREST AND PENALTIES TO TAXABLE
12 PERIODS BEFORE THE NEW INTERPRETATION OR APPLICATION WAS ADOPTED.

13 B. FOR THE PURPOSES OF THIS SECTION, "NEW INTERPRETATION OR
14 APPLICATION" INCLUDES POLICIES AND PROCEDURES ADOPTED BY ADMINISTRATIVE RULE,
15 TAX RULING, TAX PROCEDURE OR INSTRUCTIONS TO A TAX RETURN.